

Pet

10

93481
Jan

JUDGE ADV. GEN'LS. OFFICE
CONGRESSIONAL RECORD:

CONTAINING

45

THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, FIRST SESSION.

VOLUME XLII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1908.

acres and a million acres—does not leave a sufficiently large area to meet the requirements of the next application for the segregation of lands under that act. As is shown in the report, there are already applications for 685,555 acres on file with the State land board of the State of Idaho in addition to the million acres allowed to be taken by the terms of the original act.

This land is taken up by actual settlers only after the water is made available for irrigating it. The first great project that was accomplished under the Carey Act is what is known as the "Twin Falls project," in what was then Cassia County and is now Twin Falls County. It was absolutely an uninhabited country, covered with sagebrush, and it had always been considered as entirely out of the range of possible settlement. But under the terms of the Carey Act a canal over 80 miles in length, 140 feet wide at the top and 80 feet wide at the bottom—I believe I give the figures exactly—carrying from 8 to 12 feet of water, was constructed, taking the water out of the Snake River at Twin Falls. The water was carried on high ground back of the vast area that lay along the south side of the Snake River in what was known as the "Shoshone Falls section." Then, of course, lateral and other canals were constructed carrying the water out all along at proper intervals and distributing it over the tract.

That first tract contained an area of 220,000 acres that has been now enlarged and added to until all the adjacent country, not only on the south side of the Snake River, but on the north side of the Snake River, carrying another 180,000 acres, has been put under water, either complete or under process. The south side, therefore, known as Twin Falls, this uninhabited arid tract of land five years this coming fall, without a single inhabitant upon it, I drove across in going to another section of the State, and the only evidence of the human hand upon it was the construction of a little temporary shanty that was intended for the accommodation of the men who were laying out this project. There is now an assessed valuation of real property upon that tract of more than \$3,000,000—that is, upon the basis of one-third—in that length of time. There is a population of 10,000. It looks like an old settled country with its trees, its houses, its buildings, its barns, its orchards, and its stacks of hay that dot the country thickly. You would never dream but what that country had been settled through at least one generation or more.

These canals are constructed by individual enterprise under contract with the State. The State, by the provisions of the Carey Act, makes a contract with an individual or an aggregation of individuals that if they will bring water upon these lands they may have them by paying to the State 50 cents an acre and by the settler paying the actual cost of the water.

Under that act the lands in Idaho on the Twin Falls tract cost the settler \$25 an acre; that is, for the water and land. That is true of several of them. There is one, however, on which the cost is \$15 an acre, another one \$35 an acre, and one \$40 an acre. The maximum cost of this land with the water on it—which means forever—is \$40 an acre. On the great Twin Falls tract is located the city of Twin Falls, with a population approximating 5,000, with as beautiful buildings as you would find in any city of this country of the same size, with brick blocks and paved streets and all modern improvements that have grown up in five years.

We stand ready in Idaho to carry on this work and to settle up these lands, on which you have looked out from car windows for the last generation or two and pronounced them to be absolutely worthless and marveled that anyone should go to such a country. They are now being converted into green and productive fields and happy homes. We have added to the population of that section of the State, that was marked on the map of Idaho as "Snake River Desert" until I had that designation taken off the map since I came here, because I knew it was not a desert and the people have found out that it was not a desert, that it was simply uncultivated land that was susceptible of the highest cultivation and the most magnificent production.

We ask you to make available to settlers in Idaho another million acres, and we will add another 50,000 to the people of that State when we get that land. It will cost the Government nothing and the Government will gain in settlement and the prosperity incident to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HEYBURN. I want to amend the joint resolution, so as to make the language conform to the acts referred to. On

The SECRETARY. On page 2, line 4, after the word "acts," it is proposed to strike out the words "to purchase," so as to read:

That an additional 1,000,000 acres of arid lands within the State of Idaho be made available to be subject to the terms of said acts, and that the State of Idaho be allowed under the provisions of said acts said additional area or so much thereof as may be necessary for the purposes and under the provisions of said acts.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 5133) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF SALVADOR COSTA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 1392) for the relief of Salvador Costa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Claims with an amendment, in line 5, before the name "Salvador Costa," to insert "to the heirs of;" and in line 6, after the words "sum of," to strike out "\$2,850" and insert "\$1,000," so as to make the bill read:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Salvador Costa, of Tallahassee, Fla., the sum of \$1,000, for the sloop *Mary Lawrence*, which was seized and destroyed by the Federal authorities during the late civil war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs of Salvador Costa."

MEMORIAL AT POINT PLEASANT, W. VA.

Mr. SCOTT. I ask unanimous consent for the consideration at this time of the bill (S. 160) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$10,000, to be expended under the direction of the Secretary of War, to aid in the erection and completion of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; but no part of the appropriation shall be expended until the site and plans for the monument or memorial shall be approved by the Secretary of War and the grounds on which it is to be located shall be dedicated to the use of the public and provision made for opening and maintaining an open highway thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. R. KING.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill (S. 1702) to reimburse H. R. King. I will state that I do this at the request of the junior Senator from Minnesota [Mr. CLAPP], who is necessarily absent from the Chamber.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$1,015.58 to H. R. King, of Grand Rapids, Minn., to reimburse him for moneys collected from him on contracts for the cutting of timber in the Indian reservation in Minnesota in excess of the value of the timber.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

MONUMENT AT POINT PLEASANT, W. VA.

FEBRUARY 17, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 160.]

The Committee on the Library, to whom was referred the bill (S. 160) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians, October 10, 1774, having had the same under consideration, report it back without amendment.

Similar bills were reported from the Library Committee in the Fifty-eighth and Fifty-ninth Congresses, and were passed by the Senate, but not acted upon in the House of Representatives.

The Senate report in the Fifty-eighth Congress is as follows:

[Senate Report No. 467, Fifty-eighth Congress, second session.]

The Committee on the Library, to whom was referred the bill (S. 792) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774, having had the same under consideration, report it back with the following amendment:

Strike out all after the enacting clause and insert the following:

“That the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, to aid in the erection and completion of a monument or memorial at Point Pleasant, West Virginia, to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October tenth, seventeen hundred and seventy-four: *Provided*, That no part of said appropriation shall be expended until the site and plans for said monument or memorial shall be approved by the Secretary of War, and the grounds on which said monument or memorial is to be located shall be dedicated to the use of the public, and provision is made for opening and maintaining an open highway thereto.”

Amend the title so as to read: “A bill to aid in the erection of a monument or memorial at Point Pleasant, West Virginia, to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October tenth, seventeen hundred and seventy-four.”

The battle of Point Pleasant was fought October 10, 1774, at the junction of the Ohio and Kanawha rivers, in West Virginia, and was the culmination of the effort of

2
4
3

the Virginia colony to protect the settlements of its pioneers who had pushed on to the west of the Alleghenies, and who for a quarter of a century had suffered from the relentless warfare of the Indians.

Of this campaign Lossing says:

"Early in 1774 the hatchet again fell with terrible fury upon the frontier settlements of Virginia, and its keenness was heightened by the encouragement which the savages received from a few white scoundrels who hoped to gain personal advantage in the contest. * * * The chief rendezvous of the hostile Indians was on the Scioto, within the limits of the present Pickaway County, Ohio. There were three principal towns, and against these (Governor) Dunmore marched with a force of 3,000 men, early in August. The army proceeded in two divisions, one composing the left wing under Col. Andrew Lewis, the other led by Dunmore in person. The left wing (numbering about 1,100 men) struck the Great Kanawha and followed that stream to the Ohio; the right wing passed the mountains of the Potomac gap and reached the Ohio a little above Wheeling. The plan of the campaign was to form a junction before reaching the Indian villages. Lewis encamped on the site of Point Pleasant, at the mouth of the Great Kanawha, on the 6th of October. In expectation of the approach of Dunmore he cast up no intrenchments. In this exposed position he was attacked on the morning of the 10th by 1,000 chosen warriors of the western confederacy under the celebrated Cornstalk, who came from the Pickaway plains to confront Colonel Lewis before the other division should join him. So stealthily had the Indians approached that within one hour after Lewis's scouts discovered those of the enemy a general battle was in progress.

"Col. Charles Lewis, a brother of the general, with 300 men received the first assault. He and his aid, Hugh Allen, were mortally wounded, and so overwhelming in numbers and fierce in aspect were the assailants that his line broke and gave way. At this moment a party under Colonel Fleming attacked the enemy's right, and, being sustained by a reserve under Colonel Field, the Indians were driven back. The battle continued with unabated fury until 1 o'clock in the afternoon, the Indians slowly retreating from tree to tree, while the gigantic Cornstalk encouraged them with the words, 'Be strong! Be strong!' The peculiarity of the ground, it being upon a point at the junction of two rivers, made every retreat of the enemy advantageous to the Virginians, because, as their line extended from river to river, forming the base of an equilateral triangle, it was lengthened and consequently weakened. The belligerents rested within rifle shot of each other and kept up a desultory fire until sunset. The battle was a desperate one and neither party could fairly claim the victory. The Virginians lost one-half of their commissioned officers, and 52 privates were killed. The Indians lost, in killed and wounded, about 230. During the night they retreated."

As a result of the battle a treaty of peace was signed, and the Indians remained quiet for the first two years of the Revolution.

Bancroft, speaking of the battle, says:

"This battle was the most bloody and best contested in the annals of forest warfare. (Vol. VII, p. 169.) * * * The heroes of that day proved themselves worthy to found States. Among them were Isaac Shelby, the first governor of Kentucky; William Campbell, the brave George Mathews, William Fleming, Andrew Moore, afterwards a Senator of the United States; Evan Shelby, James Robertson, and Valentine Sevier. (Vol. II, p. 169.) * * * The results inured exclusively to the benefit of America. The Indians desired peace; the rancor of the white people changed to confidence, and the Virginia army, appearing as umpire in the valley of the Sciota, nullified the statute which extended the jurisdiction of Quebec to the Ohio. (Vol. VII, p. 171.)"

Windsor says:

"The conflict here was the most hotly contested fight which the Indians ever made against the English."

Monette says:

"The battle of Point Pleasant is, by common consent, admitted to be one of the most sanguinary and well-contested battles which have marked the annals of Indian warfare in the West."

Larned says:

"It was the most fiercely contested of any battle ever fought with the northwestern Indians."

Roosevelt says:

"Certainly, in all the contests waged against the northwestern Indians during the last half of the eighteenth century, there was no other where the whites inflicted so great a relative loss on their foes. Its results were most important. It kept the northwestern tribes quiet for the first two years of the Revolutionary struggle, and above all it rendered possible the settling of Kentucky and the winning of the West.

Had it not been for Lord Dunmore's war it is more than likely that when the Colonies achieved their freedom they would have found their western boundary fixed at the Allegheny Mountains."

Virgil A. Lewis, A. M., of Point Pleasant, W. Va., a close student of this campaign, in summing up the results of the battle, says:

"It is true that after the battle of Point Pleasant the Indians, by the terms of the treaty of Camp Charlotte, 'kept quiet for two years.' This enabled General Gates to collect the American soldiery from the Penobscot River to the Savannah and thus compel Burgoyne to surrender his army at Saratoga in 1777. This meant France to the rescue, and that meant the independence of the United States. Thus it is seen again that Point Pleasant is indeed an historic field."

The movement to commemorate the battle of Point Pleasant in a manner fitting its national importance started over forty years ago, and on April 1, 1860, the general assembly of the State of Virginia passed an act to incorporate the Point Pleasant Monument Association, but further progress was prevented by the outbreak of the civil war.

On February 25, 1875, the State of West Virginia passed the following act:

"AN ACT Making an appropriation to aid in the purchase of land and the erection of a monument in commemoration of the battle of Point Pleasant, fought in the year 1774.

"Be it enacted by the legislature of West Virginia, That the sum of three thousand five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, in the fiscal year 1876, for the purpose of aiding in the purchase of suitable grounds for the erection of a monument to commemorate the battle of Point Pleasant, at the town of Point Pleasant, in the county of Mason.

"The money hereby appropriated shall be paid upon the draft of the president and the secretary of the association having in charge the erection of said monument."

This money was invested, and since that time a location containing 2½ acres of high land near the junction of the Ohio and Kanawha rivers has been bought and paid for at the point on which the colonial troops were encamped at the beginning of the battle. Up to the present time \$8,970 has been expended, this being the proceeds of the original investment of \$3,500.

On December 6, 1875, the legislature of West Virginia passed a joint resolution asking the cooperation of the States of Virginia, Ohio, and Kentucky, and of the United States Government, in the movement for the building of the Point Pleasant monument. The object of the resolution is set forth in the following preamble:

"Whereas the battle of Point Pleasant, fought on the 10th day of October, 1774, was an event of deep and enduring interest, exhibiting in a remarkable degree the courage and patriotism of the early settlers of our country, and was followed by results of the highest importance to the peace and prosperity of the American people; and whereas it is proper that an event so distinguished in our history should be commemorated by a monument to be erected upon the spot where those gallant defenders sacrificed their lives and where their sacred remains now lie buried; and whereas, in addition to a fair and reasonable contribution that may be expected from the Congress of the United States in aid of this national and patriotic object, there are considerations of an especial character which commend this work to the favorable patronage of Virginia, West Virginia, Ohio, and Kentucky."

A fund of nearly \$2,000 has been collected by the Ladies' Point Pleasant Monument Association, and is now available for use in the erection of a monument or memorial, but can not be expended for any other purpose.

Your committee recommend the passage of the bill as amended.